

REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

Being filed herewith is a request for an extension of time of three months.

The abstract has been objected to and thus and has been amended by deleting "the system comprises" along with conclusionary language. The drawings have also been objected to and thus have been amended by adding the number 8 to Fig. 1 and inserting meaningful legends on each Fig. It is requested the enclosed formal drawings be substituted for the originally filed drawings.

The claims have been rejected in view of the U.S. Patents 6,070,155 issued to Cherrington et al. and 6,330,499 issued to Chou et al. The Chou system provides a vehicle diagnostic and health monitoring system. In other words, the Chou system provides a system for analyzing the vehicle to facilitate repair.

Regarding Cherrington, reference is made to column 6, lines 29-65 of the Cherrington patent which does not disclose a repair system but rather a series of steps, accessed via a display screen, that are to be followed by technician in analyzing the work that needs to be done on the vehicle so that automated analysis can be performed. The Cherrington system does not track the progress of the repair itself nor does it disclose the performance of the repair. Thus, the Cherrington system actually teaches the skilled person to provide an automated system that allows the sequential inspection of a vehicle that may or may not be in need of a repair and by following the sequence of steps, an accurate and reliable report and quotation for any work that is required can be prepared. Once the analysis performed by the Cherrington system, the system is of no use in

performing the repair itself. Indeed, the description of the invention of Cherrington, the stage at which the repair is to be performed is indicated in the Figs. is either the “end” block of the flow charts which show all the stages to be performed when preparing the report (See Fig. 4b for example), or the “start” block of the flow chart of Fig. 10 that show steps that can be taken after the repair has been performed. Thus, it can be appreciated that the skilled person reading the Cherrington patent would only be taught a sequence of steps which are required to be performed before or after the repair. There are no teachings of any steps to be taken during the repair which allows for the monitoring of the repair.

If a skilled person were to read the Chou patent, then they would be taught by Chou that it is possible to have a diagnostic system fitted in a vehicle that allows the location of the vehicle to be identified and for analysis of the vehicle to be performed without the vehicle having to go into a garage for analysis. Again, there is no teaching in the Chou patent of a system for tracking the repair itself to the vehicle owner’s benefit.

Thus, the skilled person is taught by neither the Chou patent nor the Cherrington patent about the tracking of the repair of the vehicle.

Referring to the claims under consideration, the independent claim 1 has been amended to require the vehicle repair system to be a tracking system. The details of the vehicle are entered into a database including a listing of the necessary repairs along with vehicle parts required and labor time required and a cost estimate. Most importantly, the database is updated by the repair center operator as the repair progresses to provide an accurate and updated estimation and tracking of the projected completion date for the vehicle repair. Applicant’s invention relates to the repair or building of the vehicle itself,

and not the analysis and monitoring steps that may be performed before or after the repair/building. The references cited by the Examiner specifically do not disclose nor suggest the updated estimation and tracking of a projected completion date to allow the owner/operator of the vehicle to access the data to view how the repair progresses along with the projected completion date so as to plan when the vehicle is again available to be driven.

Claims may not be rejected under 35 USC 103 when the combined references do not disclose or suggest a particular feature of the claim even though the combined references show other features of the claim. The issue at hand is whether or not the cited references disclose a vehicle repair system that tracks the repair or building of the vehicle as the repair or building progresses to provide an accurate and updated estimation of the projected completion date to allow the owner/operator to view the repair or building progression and project a completion date so as to plan when the vehicle is available to be driven.

In the case of In re: Lee (CAFC 2002) 61 USPQ2d 1430, the Court acknowledges that the determination of patentability on the grounds of obviousness is ultimately one of judgement. 61 USPQ2d @1435. Nevertheless, when one cites general knowledge to negate patentability, that knowledge must be articulated and placed on the record. In the instant case, the cited references do not disclose the aforementioned tracking system plus there is no suggestion in the references that such a tracking system could be included.

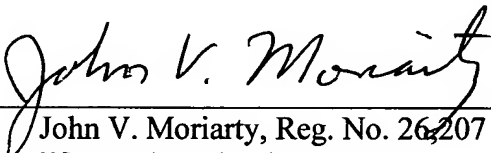
The references simply are vehicle analysis systems.

In view of the rejection of claim 14 under 35 USC 112, applicant has cancelled the claim and submits a new claim 15 that is identical to independent claim 1 with the

exception that the system is identified as a vehicle building tracking system in lieu of a vehicle repair tracking system with appropriate changes made in the claim to reflect this fact. The same arguments relating to an analysis of the prior art in view of the vehicle repair tracking system apply to the vehicle building tracking system and it is therefore believed that claim 15 should be allowed along with claims 1-13.

For the above reasons, applicant is of the opinion that the subject application is in condition for allowance and such action by the Examiner is respectfully requested. Applicant is willing to amend the claims remaining in the application to emphasize the distinction between the prior art analysis system and applicant's tracking system to the extent the Examiner has any suggestions.

Respectfully submitted,

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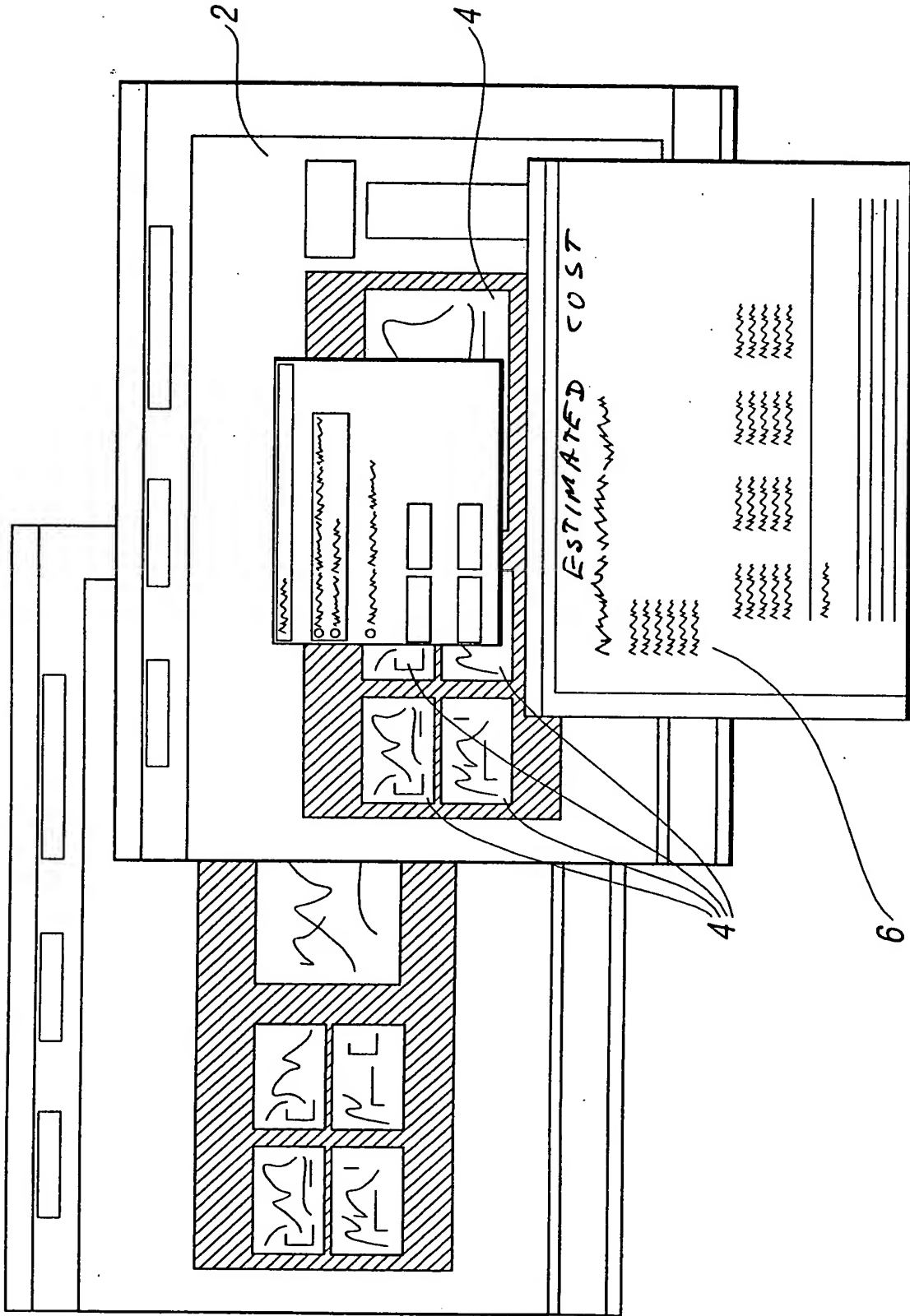


FIG. 1

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← WORK REQUIRED

← ESTIMATED TIME

← ACTUAL TIME

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FIG. 2

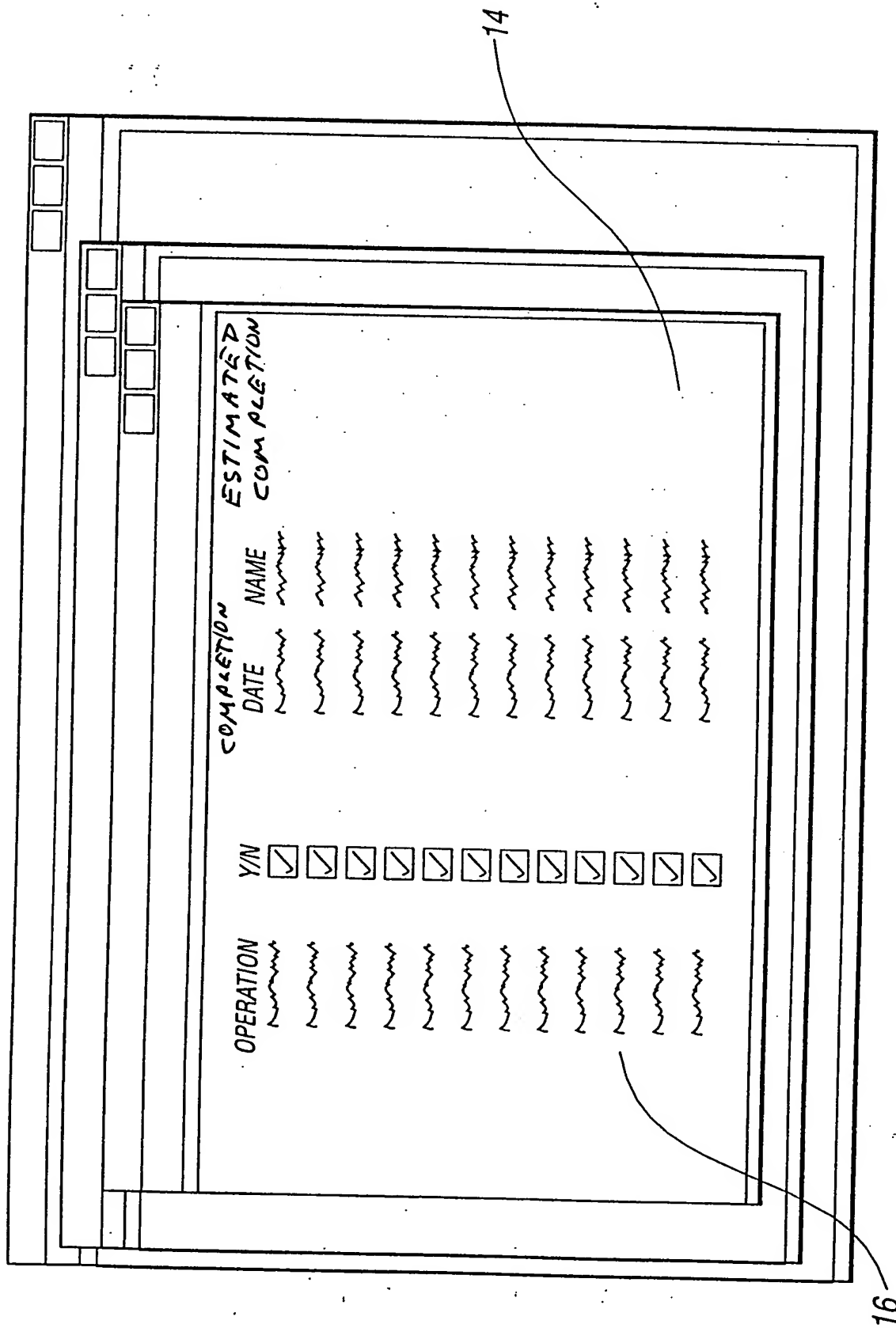


FIG. 3

16.